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GENERAL CONFERENCE

Ninth session
Vienna, 3-7 December 2001
Item 3 of the provisional agenda

ANNOTATED PROVISIONAL AGENDA

Item 1. Opening of the session

In accordance with rule 34 of the rules of procedure of the General Conference, the President of the eighth session, or, in his absence, the head of the delegation from which the President of that session was elected (Pakistan), will open the ninth session of the General Conference.

Item 2. Election of officers[1]

At each regular session the Conference shall, with due regard for equitable geographical representation, elect, from among the representatives of Members, the following officers: a President and nine Vice-Presidents, as well as a Chairman for each Main Committee (rule 35). The officers elected shall constitute the General Committee.

Election of the President

In accordance with rule 35 and appendix A of the rules of procedure, the President of the ninth session should be elected from the States in list C of Annex I to the Constitution.

Election of other officers

The nine Vice-Presidents shall be elected so as to ensure the representative character of the General Committee (rule 35.3). Should the Conference decide to establish Main Committees (see item 4 below), the Conference shall also elect a Chairman for each Main Committee.

Item 3. Adoption of the agenda

In accordance with Article 9.4 (g) of the Constitution, the Industrial Development Board at its twenty-fourth session adopted the provisional agenda for the ninth session of the General Conference, as reflected in decision IDB.24/Dec.15. The provisional agenda to be submitted to the Conference for approval is contained in document GC.9/1.

Item 4. Organization of work

In accordance with rule 40, the officers elected shall constitute the General Committee. The General Committee shall propose to the Conference the establishment of Main Committees and of any other sessional bodies of the Conference. It shall propose to the Conference the allocation of items between the plenary, the Main Committees and any other sessional bodies (rule 42). In the past, at each regular session the Conference established a Main Committee to which all the substantive items of the agenda were referred for a more focused debate aimed at the preparation of consensus draft decisions and resolutions for submission to the plenary. The Industrial Development Board, in decision IDB.24/Dec.15, paragraph (d), recommended

[1] To ensure equitable geographical distribution in the election of officers and the elections to organs, account has to be taken of the latest lists of States to be included in Annex I to the Constitution. The list, as of the date of preparation of the present document, is the same as that included in document IDB.24/23. Before proceeding to the elections, as explained in paragraph 2 of that document, the General Conference will have to decide in which of the lists of States (A, B, C or D) two Member States are to be included.

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to the Conference that items 7 to 17 of the provisional agenda be allocated to a Main Committee.

When considering the organization of work, it should be kept in mind that the budget for the Conference in the programme and budgets of UNIDO, 2000-2001, provides only for a total of five working days, comprising plenary, main committee and geographical group meetings. Moreover, in its decision on preparations for the General Conference (IDB.24/Dec.15) the Board agreed to hold an industrial development forum within the framework of the Conference (item 9 of the provisional agenda). The draft tentative schedule for the ninth session of the Conference is shown in the annex to the present document.

Item 5. Credentials of representatives to the Conference

As stipulated in Article 8.1 of the Constitution of UNIDO, the Conference shall consist of representatives of all Members of the Organization. Membership in the Organization is defined in Article 3 of the Constitution. In accordance with rule 27 of the rules of procedure of the Conference, the credentials of representatives and the names and titles of the other persons constituting the Member's delegation shall be submitted to the Director-General if possible not less than one week before the opening of the session which the delegation will attend. Any later change in the composition of the delegation shall be submitted also to the Director-General. The credentials of representatives shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs of the Member concerned. A Permanent Representative to the Organization does not require special credentials if his/her letter of accreditation to the Organization specifies that he/she is authorized to represent his/her Government at sessions of the Conference, it being understood that this does not preclude that Government from accrediting another person as its representative by means of special credentials.

A Credentials Committee of nine members shall be appointed at the beginning of the Conference on the proposal of the President. Its composition shall be based on that of the Credentials Committee of the United Nations General Assembly at its fifty-sixth session, which is as follows. Its composition shall be based on that of the Credentials Committee of the United Nations General Assembly at its fifty-sixth session, which is as follows: China, Denmark, Jamaica, Lesotho, Russian Federation, Senegal, Singapore, United States of America, Uruguay. The Committee shall examine the credentials of representatives and report without delay to the Conference, which shall decide any question arising (rule 28).

Item 6. Elections to organs[2]

(a) Industrial Development Board

In accordance with Article 9.1 of the Constitution, the Industrial Development Board shall consist of 53 members of the Organization elected by the Conference, which shall give due regard to the principle of equitable geographical distribution. In electing the members of the Board, the Conference shall observe the following distribution of seats: 33 members of the Board shall be elected from the States listed in Lists A and C, 15 from the States listed in List B, and 5 from the States listed in List D of Annex I to the Constitution.

In accordance with Article 9.2 of the Constitution, "members of the Board shall hold office from the close of the regular session of the Conference at which they were elected until the close of the regular session of the Conference four years thereafter ... Members of the Board may be re-elected."

At present the Board is composed of the following States: Algeria*, Argentina*, Austria*, Belarus**, Belgium**, Bulgaria**, Burkina Faso**, Chile**, China**, Colombia**, Côte d'Ivoire*, Croatia**, Cuba*, Ecuador*, Egypt*, Ethiopia**, France**, Germany**, Ghana**, Guatemala**, India*, Indonesia**, Iran (Islamic Republic of)*, Ireland**, Italy**, Japan**, Kuwait*, Lesotho*, Libyan Arab Jamahiriya**, Luxembourg*, Madagascar*, Mexico*, Morocco**, Nigeria*, Norway*, Pakistan**, Peru**, Poland*, Portugal*, Republic of Korea**, Russian Federation*, Saudi Arabia*, Spain*, Sri Lanka**, Sudan*, Sweden**, Switzerland*, Syrian Arab Republic*, Thailand*, Tunisia**, Turkey*, United Kingdom of Great Britain and Northern Ireland**, Uruguay*.

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* Twenty-seven States whose term of office expires at the close of the ninth regular session of the General Conference, in 2001 (see decision GC.7/Dec.8 of 4 December 1997).

** Twenty-six States whose term of office expires at the close of the tenth regular session of the General Conference, in 2003 (see decision GC.8/Dec.9 of 3 December 1999).

(b) Programme and Budget Committee

In accordance with Article 10.1 of the Constitution, the Programme and Budget Committee shall consist of 27 Members of the Organization elected by the Conference, which shall give due regard to the principle of equitable geographical distribution. In electing the members of the Committee, the Conference shall observe the following distribution of seats: 15 members of the Committee shall be elected from the

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[2] See footnote 1 above.

States listed in Lists A and C, 9 from the States listed in List B and 3 from the States listed in List D of Annex I to the Constitution.

In accordance with Article 10.2, "members of the Committee shall hold office from the close of the regular session of the Conference at which they were elected until the close of the regular session of the Conference two years thereafter. Members of the Committee may be re-elected."

At its eighth session, the Conference elected the following States to hold office until the close of the ninth regular session of the Conference in December 2001: Angola, Argentina, Austria, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt, France, Germany, Greece, Hungary, India, Italy, Japan, Mexico, Nigeria, Philippines, Russian Federation, Saudi Arabia, Slovakia, Sudan, Sweden, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland.

Item 7. Annual reports of the Director-General on the activities of the Organization for 1999 and 2000

In accordance with rule 13.1 (b), the provisional agenda for each regular session of the Conference shall include the annual reports of the Director-General on the activities of the Organization. The Conference will thus have before it the annual reports of UNIDO for 1999 and 2000, which were submitted to the Board at its twenty-second and twenty-fourth sessions respectively:

- *Annual Report of UNIDO 1999* (including programme performance report) (IDB.22/10 and Corr.1, IDB.22/10/Add.1)
- *Annual Report of UNIDO 2000* (including programme performance report) (IDB.24/2 and Corr.1, IDB.24/2/Add.1)

Item 8. Reports of the Industrial Development Board on the work of its twenty-second, twenty-third and twenty-fourth sessions

In accordance with Article 9.4 (c) of the Constitution, the Board shall report to the Conference at each regular session on the activities of the Board. Since the closure of the eighth session of the General Conference, the Board will have held three regular sessions. The Conference will have before it the following reports of those sessions:

- Report of the Industrial Development Board on the work of its twenty-second session, 30-31 May 2000 (GC.9/2)
- Report of the Industrial Development Board on the work of its twenty-third session, 14-16 November 2000 (GC.9/3)
- Report of the Industrial Development Board on the work of its twenty-fourth session, 19-22 June 2001 (GC.9/4)

Item 9. Industrial development forum

At its twenty-fourth session, the Board adopted decision IDB.24/Dec.15 on preparations for the ninth session of the General Conference. In paragraph (c) of that decision, the Board agreed to hold an industrial development forum within the framework of the Conference. The theme of the forum, which is scheduled for Wednesday, 5 December, is *Fighting marginalization through sustainable industrial development: Challenges and opportunities in a globalizing world*.

Item 10. Financial matters

(a) Scale of assessments of Member States

In accordance with rule 13.1 (k) of the rules of procedure of the Conference, the provisional agenda for each regular session shall include recommendations of the Board for the establishment of the scale of assessments. Article 15 of the Constitution stipulates that regular budget expenditures shall be borne by the Members, as apportioned in accordance with a scale of assessments established by the Conference by a two-thirds majority of the Members present and voting, upon the recommendation of the Board.

As reflected in decision IDB.24/Dec.5, the Board was not able to achieve consensus on this matter at its twenty-fourth session.

The Conference will have before it:

- Board decision IDB.24/Dec.5 on scale of assessments
- Scale of assessments for the fiscal period 2002-2003: Note by the Secretariat (IDB.24/5)

(b) Financial situation of UNIDO

Rule 13.1 (l) states that the provisional agenda shall include financial matters requiring action by the Conference or that should be brought to its attention. Information brought to the attention of the Conference under this item will include the status of payment of assessed contributions.

Information on the activities of the Industrial Development Fund is included in the annual reports of

the Organization for 1999 and 2000 and in documents IDB.22/3 and IDB.23/5. Following the precedent established in previous sessions of the Conference in order to save time and money, the pledges to the Fund in 2001 will be made in writing, and the results announced at the end of the ninth session of the Conference.

At its twenty-fourth session, the Board considered the proposal of Ukraine to settle its arrears (IDB.24/25). In decision IDB.24/Dec.3, the Board requested the Director-General to negotiate an agreement with Ukraine for a payment plan under certain conditions, and to submit the plan for decision to the Conference.

The Conference will have before it:

- Financial situation of UNIDO, including arrears. Report by the Director-General (GC.9/10)
- Payment plan for Ukraine. Note by the Director-General (GC.9/9)

(c) Working Capital Fund

In accordance with financial regulation 5.4, upon recommendation of the Programme and Budget Committee and subsequently the Board, the Conference shall determine the amount and purposes of the Working Capital Fund. Financial regulation 5.5 (d) stipulates that advances to the Working Capital Fund shall be assessed and paid in United States dollars.

At its eighth session, the Conference in its decision GC.8/Dec.14 decided that for the 2000-2001 biennium the level of the Working Capital Fund and the authorized purposes of the Fund should remain the same as for the previous bienniums (see decision GC.2/Dec.27).

The Conference will have to take action on the recommendations of the Board concerning the level and purposes of the Working Capital Fund for the biennium 2002-2003. Thus, the Conference will have before it:

- Board decision IDB.24/Dec.6 on Working Capital Fund

(d) Financial regulations

Based on recommendations of the Intersessional working group on the financial regulations (IDB.24/11) as subsequently considered by the Programme and Budget Committee, the Board adopted decision IDB.24/Dec.7 containing specific recommendations to the General Conference. Thus, the Conference will have before it:

- Board decision IDB.24/Dec.7 on financial regulations

(e) Introduction of the euro

At its eighth session, the Conference decided to adopt, beginning with the fiscal period 2002-2003, a single currency system of assessment based on the euro for contributions to the regular budget (GC.8/Dec.16). At that time, the Secretariat pointed out that related issues would also require approval by the governing bodies prior to the introduction of the euro effective 1 January 2002 (IDB.24/10, para. 2). At its twenty-fourth session, the Board considered the conclusion of the Programme and Budget Committee on the subject and adopted a recommendation to the Conference in the following decision:

- Board decision IDB.24/Dec.8 on introduction of the euro

(f) Appointment of external auditor

In accordance with financial regulation 11.1, an external auditor, who shall be Auditor-General (or an officer exercising an equivalent function) of a Member State, shall be appointed in the manner and for the period decided by the Conference. By decision GC.8/Dec.15 the Conference decided to extend the appointment of the President of the Federal Court of Audit of Germany as the External Auditor of UNIDO for a period of two years, from 1 July 2000 to 30 June 2002. As reflected in decision IDB.24/Dec.9, the Board acknowledged that consultations were continuing with a view to the Conference being in a position to appoint an external auditor for a period of two years beginning on 1 July 2002, under the terms of reference specified in the Financial Regulations of UNIDO.

The Conference will have before it:

- Candidatures for the appointment of an external auditor. Report by the Director-General (IDB.24/7 and Add.1)
- Board decision IDB.24/Dec.9 on the appointment of an external auditor

Item 11. Medium-term programme framework, 2002-2005

Pursuant to General Conference decisions GC.2/Dec.23 and GC.6/Dec.10, the Director-General submitted to the Board in the first year of the fiscal period 2000-2001, through the Programme and Budget Committee, a draft medium-term programme framework for the years 2002-2005 (IDB.23/4). In compliance with subparagraph (b) (v) d of decision GC.2/Dec.23, that document also contained a preview of the first biennium 2002-2003 and preliminary indicative general ceiling (IDB.23/4, chap. III).

In its resolution GC.7/Res.1, the Conference, *inter alia*, requested the Director-General to keep the Member States informed about the implementation of the Business Plan. A report on progress in the transformation of UNIDO was submitted to the Conference at its eighth session in line with paragraph 7 (d) of the same resolution, and updated information will be issued to the ninth session.

The Conference will have before it:

- Medium-term programme framework, 2002-2005. Proposals of the Director-General (IDB.23/4)
- The Business Plan and medium-term programme development. Note by the Director-General (GC.9/11)
- Board decision IDB.23/Dec.5 on the medium-term programme framework, 2002-2005

Item 12. Programme and budgets, 2002-2003

In accordance with Article 14.4 of the Constitution, the Conference shall consider and approve the programme of work and the corresponding regular budget and operational budget submitted to it by the Board, by a two-thirds majority of the Members present and voting. At its twenty-fourth session, the Board considered the recommendation of the Programme and Budget Committee based on the proposals of the Director-General submitted in document IDB.24/3 and adopted decision IDB.24/Dec.4.

The Conference will thus have before it:

- Programme and budgets, 2002-2003. Proposals of the Director-General (IDB.24/3)
- Board decision IDB.24/Dec.4 on programme and budgets, 2002-2003

Item 13. The regional dimension

At its eighth session, the Conference adopted resolution GC.8/Res.5 on participation of the private sector in the industrialization of Africa, and requested the Director-General to report on the implementation of that resolution to its ninth session.

Also at its eighth session, the Conference adopted resolution GC.8/Res.6 on the region of Europe and the Newly Independent States, which addressed a number of mandates to the Director-General. The Conference requested the Director-General to report to the Conference, through the Board, on the implementation of that resolution.

Information will be provided to the session as appropriate following the Fifteenth Conference of African Ministers of Industry (CAMI), to be held at Yaounde on 29 and 30 October 2001, and related events.

The Conference will have before it:

- Participation of the private sector in the industrialization of Africa. Report by the Director-General (GC.9/5)
- Africa and least developed countries. Annual Report 2000 (IDB.24/2, chap. IV.A)
- Arab countries. Annual Report 2000 (IDB.24/2, chap. IV.B)
- Asia and the Pacific. Annual Report 2000 (IDB.24/2, chap. IV.C)
- Europe and NIS (including information on the implementation of resolution GC.8/Res.6). Annual Report 2000 (IDB.24/2, chap. IV.D), updated in document GC.9/8
- Latin America and the Caribbean. Annual Report 2000 (IDB.24/2, chap. IV.E)

Item 14. International Centre for Science and Technology

At its seventh session, the General Conference considered the proposal for the transfer of the International Centre for Science and High Technology (ICS) to the United Nations Educational, Scientific and Cultural Organization. As requested by the Conference, further developments were reported to the Industrial Development Board at its nineteenth session (IDB.19/7). In a letter dated 1 June 2001, the Permanent Representative of Italy to UNIDO referred to subsequent developments and requested the inclusion of an item in the provisional agenda of the ninth session of the Conference. Further details will be provided in the following document:

- International Centre for Science and High Technology. Note by the Secretariat (GC.9/12)

Item 15. Participation by UNIDO in the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 21 March 1986

United Nations General Assembly resolution 53/100 on the United Nations Decade of International Law recalled, inter alia, that the Vienna Convention was one of the conventions adopted under the aegis of the United Nations which have codified the law of treaties, and also recalled the impact of the Convention on the practice of treaties concluded between States and international organizations or

between international organizations. Details will be provided in the following document:

- Participation by UNIDO in the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 21 March 1986. Note by the Director-General (GC.9/6)

Item 16. UNIDO Staff Pension Committee

The Conference will have to take action on the recommendation of the Board (IDB.24/Dec.10) concerning candidates for election to the UNIDO Staff Pension Committee for the years 2002 and 2003 as well as any developments that have occurred since the adoption of that decision. The Conference may also wish to authorize the Board to proceed with the election for any Committee posts that might become vacant before the Conference holds its tenth session.

The Conference will have before it:

- Board decision IDB.24/Dec.10 on personnel matters, including UNIDO Staff Pension Committee

Item 17. Matters related to intergovernmental, non-governmental, governmental and other organizations

In accordance with rule 13 of the rules of procedure of the Conference, the provisional agenda for each regular session shall include reports from specialized and related agencies and from other intergovernmental organizations with which UNIDO has concluded a relationship agreement pursuant to Article 19.1 (a) of the Constitution, and items proposed by them, where the agreement establishing the relationship with the organization concerned so provides.

Furthermore, in the guidelines for the relationship of UNIDO with intergovernmental, governmental, non-governmental and other organizations adopted by the General Conference at its first session (decision GC.1/Dec.41, annex), it is stipulated that the Director-General shall report to the Conference at each regular session on any agreements with intergovernmental and governmental organizations entered into by him on behalf of the Organization since the preceding regular session as well as on any consultative relations established with non-governmental organizations in the same period.

The Conference will thus have before it decision IDB.24/Dec.12 adopted by the Board on the subject at its twenty-fourth session, and the following document:

- Matters related to intergovernmental, governmental, non-governmental and other organizations. Note by the Director-General (GC.9/7)

Item 18. Appointment of the Director-General

In accordance with Article 11.2 of the Constitution, the Director-General shall be appointed by the Conference upon recommendation of the Board for a period of four years. Rule 103.4 of the rules of procedure of the Conference stipulates that the Conference shall also consider a draft contract, submitted to it at the same time by the Board for approval, establishing the terms and conditions of appointment of the Director-General, including the salary and other emoluments attached to the office. When approved by the Conference, the contract of appointment shall be signed by the new Director-General and by the President of the Conference, acting in the name of the Organization.

The procedure to be followed by the Conference for the appointment of the Director-General is contained in rule 104.

At its twenty-fourth session, the Board decided to recommend to the Conference the appointment of Mr. Carlos Magarinos as Director-General of UNIDO for a period of four years from the eighth day of December 2001 or until the Director-General appointed at the eleventh regular session of the Conference assumes office, whichever is later. The Board also recommended a draft contract establishing the terms and conditions of appointment of the Director-General.

Item 19. Date and place of the tenth session

Article 8.2 (a) of the Constitution stipulates that the Conference shall hold a regular session every two years, unless it decides otherwise. In the programme and budget proposals of the Director-General for 2002-2003, provisions have been made for the holding of the tenth session of the General Conference for a duration of five working days. The dates of 1 to 5 December 2003 have been scheduled tentatively for the tenth session of the Conference in Vienna.

Item 20. Closure of the session

Annex

DRAFT TENTATIVE SCHEDULE

Monday, 3 December

10.30 a.m. 1st plenary meeting—Opening of session; consideration of agenda items 1-5

p.m. 2nd plenary meeting—General debate

Tuesday, 4 December

a.m. 3rd plenary meeting—General debate

p.m. 4th plenary meeting—General debate

Wednesday, 5 December

a.m. and p.m. Industrial Development Forum

Main Committee—Consideration of draft decisions/resolutions on agenda items 7-19

Thursday, 6 December

a.m. 4th plenary meeting—General debate

Main Committee—Consideration of draft decisions/resolutions on agenda items 7-19

p.m. 5th plenary meeting—General debate

Main Committee—Consideration of draft decisions/resolutions on agenda items 7-19

Friday, 7 December

a.m. 6th plenary meeting—Adoption of draft decisions/resolutions emanating from the Main Committee and others

p.m. 7th plenary meeting—Adoption of draft decisions/resolutions emanating from the Main Committee and others; closure of the General Conference